

AMENDMENT FORM

COMMITTEE: FINANCE/EXECUTIVE

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Add the names of all F/E committee member names to the
legislation

**AN ORDINANCE AND CHARTER AMENDMENT
BY: COUNCILMEMBER HOWARD SHOOK**

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE MUNICIPAL HOME RULE ACT OF 1965(GA Laws 1965, P. 298, et. seq.) AS AMENDED TO AMEND PART 1, SUBPART A, ARTICLE VI, CHAPTER 3,SECTION 6-304 OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA (GA Laws 1996, P 4469, et. seq.) APPROVED APRIL 15, 1996, AS AMENDED, SO AS TO ADD A REQUIREMENT THAT RESTRICTED GENERAL FUND RESERVES BE MAINTAINED, CARRIED OVER, AND ADDED TO FROM ONE YEAR TO THE NEXT; AND SO AS TO REQUIRE THAT TRANSFERS FROM THE RESTRICTED GENERAL FUND RESERVES TO GENERAL FUND OPERATING ACCOUNTS RECEIVE APPROVAL FROM THE FINANCE COMMITTEE OR EQUIVALENT COMMITTEE OF THE GOVERNING BODY PRIOR TO CONSIDERATION BY THE GOVERNING BODY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council Adopted and the Mayor approved Charter Amendment Ordinance 02-O-0186 March 4, 2002 and March 12, 2002 respectively; and

WHEREAS, Charter Amendment Ordinance 02-O-0186 added the requirement establishing a General Fund Restricted Reserve equal to 5% of the proposed annual General Fund Budget; and

WHEREAS, the Mayor and City Council desire to strengthen the City's financial standing and ability to manage during times of financial stress; and

WHEREAS, further restriction of the General Fund Restricted Reserve will strengthen the City's financial standing and ability to manage during periods of financial stress.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That Part 1, Subpart A, Article VI, Chapter 3, Section 6-302 be amended by adding an additional subsection, such that the amended Section 6-302 shall read as follows:

Section 6-302. Adoption of budget.

(a) At the first Council meeting in February of each year, beginning in 2007, each Council member may submit his/her budget priorities for the coming year. Such priorities shall be referred to the Finance/Executive Committee, which shall submit these priorities in the form of a resolution to be adopted by the Council no later than the second Council meeting in February. The Mayor, in conjunction with the Chief Financial Officer, may take these priorities into consideration in the preparation of the tentative budget.

(b) The mayor shall prepare and submit the proposed annual budget ordinance to the governing body no later than the first regular meeting of the governing body in May, preceding the commencement of the fiscal year.

(c) Commencing with the fiscal year 2009 Budget, Restricted Reserves balances from the previous year shall be a part of the fund balance for the upcoming year; five percent of the increased difference of the proposed budget shall be added to the overall Restricted Reserves balance.

(d) The governing body shall hold one or more public hearings on the proposed budget as required by the laws of Georgia, notice of which shall be published in a newspaper of general circulation in the city at least seven days prior to the date set therefor.

(e) The governing body may amend the proposed annual budget, except that the budget as finally amended must provide for all expenditures required by law or by this Charter, including but not limited to debt service, sinking fund, interest on bonded indebtedness and a general fund restricted reserve equal to five percent of the proposed general fund budget which sums shall not be diverted to any other purpose and the total appropriations from any such fund shall not exceed the estimated fund balance, reserves, and revenues constituting the fund availability of such fund.

(f) The governing body shall by ordinance adopt the annual budget for the ensuing fiscal year not later than June, preceding the commencement of the fiscal year.

(g) For the expanded fiscal year that shall encompass January 1, 2006 and end June 30, 2007, the governing body shall by ordinance adopt not later than last meeting in December 2005 an eighteen-month budget to set forth appropriations for January 1, 2006 through June 30, 2007 and shall by ordinance adopt the necessary additional appropriation of funds or reductions in appropriations, but only for those funds and in those account centers where variances occur between projected figures and actual costs.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1998-58, § 1, 9-17-98; Ord. No. 2002-17, § 2, 3-12-02; Ord. No. 2005-09, § 1, 2-16-05; Ord. No. 2005-84, § 1, 11-22-05)

SECTION 2: That Part 1, Subpart A, Article VI, Chapter 3, Section 6-304 be amended by adding an additional subsection (d), such that the amended Section 6-304 shall read as follows:

Section 6-304.

Budget amendments.

- (a) With the exception of budgeted contracts pertaining to the agencies under the jurisdiction of the other standing committees, the finance committee or equivalent committee of the governing body shall approve or disapprove all measures to expend money prior to their consideration by the governing body, provided that upon the committee's failure to report thereon by the second regular meeting of the governing body following a reference to the committee, the governing body may act on such measures without such report.
- (b) The finance committee or equivalent committee of the governing body shall approve or disapprove measures pertaining to the intradepartmental transfer of appropriations from one line item account to another line item account in the operating funds of the city prior to their consideration by the governing body, provided, however, the governing body shall not transfer to any other department funds that have been set aside for debt service, including sinking fund and interest on bonded indebtedness, general fund restricted reserves, and any other appropriations required by law or for the deficit of the prior year.
- (c) Intradepartmental transfers of appropriations from one line item account to another line item account in the operating funds, the working capital fund, and the grant funds of the city may be made upon unanimous approval of the chairperson of the finance committee or equivalent committee of the governing body, the head or director of the department affected, the chief financial officer, and the chief operating officer. When the decision to transfer intradepartmental funds is not unanimous, such transfers shall be submitted to the governing body by the chairperson of the finance or equivalent committee of the governing body for approval or disapproval. The chairperson of the finance or equivalent committee of the governing body and the chief financial officer are jointly authorized to transfer appropriation surpluses, as the same may occur, from line accounts in the various departments of the operating funds, the working capital fund, and the grant funds of the city. Copies of any transfers shall be filed with the municipal clerk at the next regular meeting of the governing authority after said transfer of appropriations or appropriation surplus is made. The clerk shall enter such transfers in the minutes of such meeting and announce to the members of the governing body that such transfers have been made. The provisions of this subsection shall apply to the transfer of surplus funds from salary accounts.
- (d) The finance committee or equivalent committee of the governing body shall approve or disapprove measures pertaining to the interdepartmental transfer of appropriations from the general fund restricted reserve to any line item operating funds account of the city prior to their consideration by the governing body.

Section 3: That a copy of this proposed amendment to the Charter of the City of Atlanta,

Georgia 1996 Ga. L. (Act No. 1019, p. 4469), *et- seq.* as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia," attached hereto and marked ***Exhibit "A"*** and made a part of this ordinance, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a copy of said advertisement be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Exhibit A

"Notice of Proposed **Amendment to the Charter of the City of Atlanta, Georgia**"

Notice is hereby given that an ordinance has been introduced to amend Section 6-302. (*Entitled " Adoption of budget "*) and Section 6-304 (*Entitled " Budget amendments "*) of the Charter of the City of Atlanta, Georgia (1996 Ga. L. (Act No. 1019), p. 4469, *et. seq.*) as amended, so as to add a requirement that restricted general fund reserves be maintained, carried over, and added to from one year to the next; and so as to require that transfers from the restricted general fund reserves to general fund operating accounts receive approval from the finance committee or equivalent committee of the governing body prior to consideration by the governing body.

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This day of _____, 2008

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta